

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MIDWEST INSTITUTE OF HEALTH, PLLC,
d/b/a GRAND HEALTH PARTNERS,
WELLSTON MEDICAL CENTER, PLLC,
PRIMARY HEALTH SERVICES, PC, AND
JEFFERY GULICK,

Plaintiffs,

Case No. 1:20-cv-00414

vs.

GRETCHEN WHITMER, in her official capacity as Governor of the State of Michigan, DANA NESSEL, in her official capacity as Attorney General of the State of Michigan, and ROBERT GORDON, in his official capacity as Director of the Michigan Department of Health and Human Services,

Hon. Paul L. Maloney

Defendants.

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* * * **EXPEDITED CONSIDERATION REQUESTED** * * *

MOTION FOR PRELIMINARY INJUNCTION

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs move this Court for a Preliminary Injunction. Specifically, Plaintiffs seek an order enjoining Defendants from either directly or indirectly:

1. Enforcing against the Plaintiffs Executive Order 2020-17;
2. Enforcing against the Plaintiffs Executive Order 2020-92 or any similar subsequent Stay Home, Stay Safe order promulgated by Governor Whitmer; and
3. Enforcing against the Plaintiffs the emergency order issued on April 2, 2020 by Robert Gordon, the Director of the Michigan Department of Health and Human Services.

The basis for this motion is set forth in the attached memorandum in support, and in the Verified Complaint.

Expedited consideration of this motion is necessary because the relief requested may well be rendered moot before the motion is briefed under the usual briefing schedule. *See* W.D. Mich. LCivR 7.1(e). Defendants' Executive Orders prohibit the vast majority of the business and healthcare activities provided by the Plaintiffs Midwest Institute of Health, Wellston Medical Center, PLLC, and Primary Health Services, PC. If the motion is briefed and heard in accordance with the ordinary briefing schedule, these Plaintiffs may be forced to close their operations, thereby suffering irreparable harm that will be unable to remedy through injunctive relief.

Further, the Executive Orders prohibit these Plaintiffs from providing important and necessary medical care to many of their patients. Each of these Plaintiffs has patients whose symptoms and conditions have materially and dangerously worsened due to the Defendants'

prohibition of these Plaintiffs' provision of necessary and appropriate medical care. If the motion is briefed and heard in accordance with the ordinary briefing schedule, patients' health may continue to deteriorate in the interim, causing potentially dangerous conditions and unnecessary suffering that requires emergency care. This motion should be heard and decided on an expedited basis in order to permit these Plaintiffs to provide their patients with necessary medical care pending final resolution of this matter.

MILLER JOHNSON
Attorneys for Plaintiffs

Dated: May 18, 2020

By /s/ James R. Peterson

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